



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 3, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (February 17, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

### **PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION recognizing the Arc of the Mid-South as they plan for National Disability Awareness Month.

Collins

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing the Broad Avenue Arts District.

Strickland

ACTION REQUESTED: Adopt the resolution

### **PUBLIC HEARINGS**

3. RESOLUTION approving a planned development located on the east side of Forest Hill-Irene Road; +/-597 feet north of East Shelby Drive, containing 54.10 acres and is currently governed by Forest Creek Planned Development, 2<sup>nd</sup> Amendment (P.D. 02-365cc).

Morrison

Case No. PD 08-331cc

Applicant: Edward Rose Properties, Inc.  
Tetra Tech, Inc.-Frank Gianotti – Representative

Request: Planned development amendment to allow 432 multi-family residential apartments and 140 independent senior living apartment units

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action deems advisable

**197 NOTICES MAILED ON FEBRUARY 20, 2009**

4. RESOLUTION approving a planned development located on the northwest corner of Lowrance Road and Stansell Court, containing 4.39 acres and is regulated by the approved conditions for Parcel 11 of Stansell Crossing Planned Development (P.D. 05-360cc).

Morrison

Case No. PD 08-332cc

Applicant: PEMEX, INC (Haitham Aloysef)  
Prime Development Group (Michael Fahy) – Representative

Request: Amend Parcel 11 to permit a religious institution with accessory uses to include Day Care, Lighted Ballfields, and fellowship/meeting space

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**303 NOTICES MAILED ON FEBRUARY 20, 2009**

5. RESOLUTION approving a planned development located on the southwest corner of Dexter Road and Appling Road, containing 6.53 acres and is currently governed by Applingwood Planned Development, 2<sup>nd</sup> Amendment (P.D. 97-376cc).

Morrison

Case No. PD 08-333cc

Applicant: Dancy Investments, Inc.  
Prime Development Group, Inc. – Michael Fahy – Representative

Request: Planned development amendment to allow a commercial-indoor amusement facility for ice hockey in Area 'C' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**381 NOTICES MAILED ON FEBRUARY 20, 2009**

6. RESOLUTION approving a planned development located on the east of Tillman Street, continuing to the north side of Johnson Avenue, containing 8.67 acres in the Single Family Residential (R-S6) District.

Morrison

Case No. PD 08-335

Applicant: Lakeview Estates Development, LLC (Darrell Cobbins)  
Powers Hill Design, LLC (Nisha Powers) – Representative

Request: A planned development to permit affordable housing for the elderly (100 units in 1, three-story building)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**177 NOTICES MAILED ON FEBRUARY 20, 2009**

**DIVISION OF PLANNING & DEVELOPMENT** (None)

**ZONING ORDINANCES – THIRD AND FINAL READING**

7. **ORDINANCE** amending the Memphis and Shelby County Zoning Ordinance-Regulations, adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Council of the City of Memphis on October 7, 1981, so as to make certain changes therein, up for T H I R D and F I N A L reading

Morrison

Ordinance No. 5297  
Case No. ZTA 07-004cc

Request: Various amendments to the Memphis and Shelby County Zoning Ordinance Sign Regulations as follows:

Revisions to the regulations governing temporary signs to remove references to types of signs by content.

Add new regulations for flashing, moving and changeable signs to address new, digital displays on both on premise and off premise signs.

Add severability provisions to insure that if one provision of the ordinance is declared unconstitutional by a court, the remainder shall remain in effect.

Various improvements throughout the ordinance to solve known ambiguities for improved enforcement.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action deems advisable

**NO NOTICES WERE REQUIRED**

8. **ORDINANCE** rezoning the south side of Macon Road, opposite Dexter Lane intersection containing 5.44 acres in the Single Family Residential (R-S6) and General Office (O-G) Districts, up for T H I R D and F I N A L reading

Morrison

Ordinance No. 5299  
Case No. Z 08-118

Applicant: Bazemore Family Trust and Cordova Properties, Inc.  
Eugene Bryan – Representative

Request: Local Commercial (C-L) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**46 NOTICES MAILED ON FEBRUARY 20, 2009**



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## CONSENT AGENDA

**GENERAL ORDINANCE - FIRST READING** (None)

**GENERAL ORDINANCE - SECOND READING** (None)

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

### **ENGINEERING**

9. RESOLUTION accepting BUCKINGHAM FARMS PD, PHASE 15, PARCEL E and authorizing release of bond.

Case No. PD 95-310cc  
(Contract No. CR-4267AM)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on October 20, 1998. Resolution also authorizes the release of the bonding instruments in the total amount of \$97,500.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of DASELER S/D.

Case No. S 08-019cc

Resolution approves the final plat located south of Locke Road, west of Walsh Road. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving contract time extension for RIDGEMENT TRAILS SUBDIVISION, SECTION B.

Case No. S 01-037  
(Contract No. CR-5102)

Resolution approves the extension of time from November 20, 2008 to November 20, 2009, for Ridgmont Trails Subdivision, Section B, located on the south side of Egypt Central, west of Old Allen Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. P.D. 08-336 – Memphis Homebuilders’ Center P.D., Amended

Located on the southeast corner of N. Germantown Parkway and Walnut Run Road, containing 3.57 acres in an area currently governed by P.D. 84-348

Applicant: Gill Properties  
Harkavy, Shainberg, Kaplan & Dunston, PLLC  
(Ronald Harkavy) - Representative

Request: Plan amendment to allow Planned Commercial (C-P) District land uses, including restaurant, retail center and a four (4) story hotel building

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: March 17, 2009**



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### MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11320, Local Dial Tone Services, to Paetec in the funded amount of \$192,000.00.
14. RESOLUTION approving Contract No. 11339, Interlocal Agreement between MLGW and the Memphis Housing Authority, for a Services Loan for Utility Installation for Legends Park Planned Redevelopment in an estimated amount of \$1,435,000.00.
15. RESOLUTION approving Change No. 2 to Contract No. 10990, Master Agreement for Services, with Equifax Information Services, LLC, in the funded amount of \$150,000.00. (This change extends the current contract for an additional term, March 26, 2009 to March 25, 2010, to allow time to finalize the RFP bid process for a new contract and to develop strategy and structure for new collections management).
16. RESOLUTION approving Change No. 7 to Contract No. 11020, Janitorial Services, with Kimco Corporation in the funded amount of \$935,108.00. (This change renews the contract for the fourth and final renewal term, February 20, 2009 to February 19, 2010, which includes the required City of Memphis Living Wage Ordinance 3% pay rate increase and the resumption of full-service janitorial services at MLGW facilities. The impact of this change is an increase of approximately 41.6% or \$288,319.50 over last year's award amount. This change supersedes Change No. 6 approved by the Board on January 22, 2009).
17. RESOLUTION approving Change No. 5 to Contract No. 11028, Security Services, with CDA, Inc. in the funded amount of \$3,308,717.20. (This change renews the current contract for the fourth and final term, April 1, 2009 to March 31, 2010, which includes a 3% increase in personnel rates, a decreased number of hours for the unarmed officers, an increase in number of hours for the unarmed construction personnel and the addition of a lead dispatcher position).
18. RESOLUTION approving Change No. 4 to Contract No. 11061, Wireless Telephone Services, with AT&T Mobility in the funded amount of \$330,000.00. (This change renews the contract for the third of four renewal terms, April 1, 2009 to March 31, 2010).

19. RESOLUTION approving Change No. 3 to Contract No. 11193, Janitorial Services, with Kimco Corporation in the funded amount of \$212,936.00. (This change renews the contract for the second of four renewal terms, February 28, 2009 to March 1, 2010, which includes the required City of Memphis Living Wage Ordinance 3% pay rate increase and the resumption of full-service janitorial services at MLGW facilities. The impact of this change is an increase of approximately 71.1% or \$90,654.81 over last year's award amount. This change supersedes Change No. 2 approved by the Board on January 22, 2009).
20. RESOLUTION approving Amendment No. 1 to Contract No. 11237, Interlocal Agreement between MLGW and Memphis Housing Authority for a Services Loan for Utility Installation for the Lamar Terrace/University Place Planned Redevelopment, providing for a reduction in the estimated cost from \$4,500,000.00 to \$2,600,000.00 as a result of redesign and a reduction of the semi-annual installment payments from \$500,000.00 to \$200,000.00.
21. RESOLUTION awarding contract for a substation battery to Saft America, Inc. c/o HV Sales Company in the amount of \$28,253.00.
22. RESOLUTION awarding contract for Trane Chiller R'newal to Trane in the amount of \$43,339.00.
23. RESOLUTION awarding 24-month contracts for instrument transformers as follows:
- |                          |                     |
|--------------------------|---------------------|
| HD Supply Utilities..... | \$66,516.00         |
| Utilicor.....            | 38,354.50           |
| GEC/Durham.....          | <u>92,747.10</u>    |
| Total.....               | <u>\$197,617.60</u> |
24. RESOLUTION awarding 12-month contract for sodium hexametaphosphate to Breentag Mid-South in the amount of \$624,960.00.
25. RESOLUTION awarding 24-month contract for electric meter pedestals and sockets to HD Supply Utilities in the amount of \$823,646.91.
26. RESOLUTION approving payment of 2009 annual membership dues to Tennessee Valley Public Power Association in the amount of \$51,296.41.
27. RESOLUTION approving payment of annual pipeline safety inspection fee to the Tennessee Regulatory Authority in the amount of \$78,000.00.





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## REGULAR AGENDA

28.  
Flinn

### APPOINTMENTS

#### Memphis & Shelby County Center City Revenue Finance Corporation Board

##### Appointment

Walter O. Person

##### Reappointment

Lucy Shaw

#### Memphis & Shelby County Music Commission

##### Appointment

Antonio Parkinson

#### Memphis Youth Guidance Commission

##### Appointment

Linda Williams

### GENERAL ORDINANCE – THIRD AND FINAL READING

29.

**ORDINANCE** amending Chapter 12-52 of the Code of Ordinances to Ban the Use of Plastic Carrier Bags during Parades and Public Assemblies; Require Recycle Bins or Bags; and Encourage Use of Recycled or Recyclable Products, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5298

ACTION REQUESTED: Take whatever action Council deems advisable

### ENGINEERING DIVISION

(None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

30. RESOLUTION for Mid Year Clean-up for the purpose of adjusting the FY2009 budget to reflect expenditure shifts or revised expenditure priorities and to transfer funds from Debt Service Fund to the General Fund.

Halbert

ACTION REQUESTED: Adopt the resolution

31. INITIAL RESOLUTION authorizing the issuance of not to exceed One Hundred Fifty Million Dollars (\$150,000,000.00) General Obligation Bonds of the City of Memphis, Tennessee, pursuant to the Local Government Public Obligations Act of 1986, being Title 9, Chapter 21, of the Tennessee Code Annotated, for the purpose of financing the cost of public works projects in the city.

Halbert

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION requiring the Administration to begin providing written quarterly financial reports of the Capital Improvement Budget, which shall also include the amount of funds remaining from any completed project, including contingencies and the possible uses of those funds.

Conrad

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$316,000.00 funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, Project Number EN01003 chargeable to the FY 2009 Capital Improvement Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

34. RESOLUTION authorizes the sale of City owned property located at 897 N. Second St. (02200200012) in the North Memphis Area to North Memphis C.D.C. in the amount of One Dollar (\$1.00.).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION authorizes the sale of City owned property located at 931 N. Third St. (002201200002) in the North Memphis Area to North Memphis C.D.C. in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

36. RESOLUTION amending the FY2009 Riverfront Development Corporation's Capital Improvement Program Fund to include GA01003, Mud Island Playground and Chickasaw Heritage Park Walking Trail and establish an allocation award of \$397,000.00 in the Construction line funded by G.O. Bonds General and appropriate said allocation for construction.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

37. RESOLUTION supporting Truth in Sentencing State Laws.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES**

38. RESOLUTION allocating and appropriating \$3,187,087.00, CIP Project Number PS01009, funded by G.O. Bonds General and Local Other CIP for the Motor Vehicle Inspection Station.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

39. RESOLUTION appropriating \$75,000.00 funded by Pay-As-You-Go Capital in Metal Museum, Project Number PW04073 for Architecture and Engineering Services.

Boyd

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION approving the completion of plans and specifications and taking of bids for the Collins Yard Building, CIP Project Number PW04067 as part of the FY 09 Capital Improvement Program at an estimated construction cost of \$3,150,000.00 funded by G.O. Bonds General.

Boyd

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$1,044,648.00 funded by Sewer Funds for Nonconnah Interceptor Rehab FY 09, Project Number SW02079 for a construction contract with Southeast Pipe Survey, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION appropriating \$62,678.00 funded by G.O. Bonds (Storm Water) for Carson Street Improvements, Project Number ST03116 for a construction contract with Ferrell Paving, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. & 2 – Approved
3. Approved, as amended
4. & 5 – Approved
6. Held until March 17, 2009
7. Approved, as amended
8. Held until March 17, 2009
9. Through 11 – Approved
12. Public Hearing Set for March 17, 2009
13. Through 28 – Approved
29. Approved, as amended
30. Through 35 – Approved
36. Held until March 17, 2009
37. Through 39 – Approved
40. Approved, as amended
41. & 42 – Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 17, 2009 MEETING**

Approved